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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,946	07/16/2003	Donald P. Chevalier	7939A-000028	8598

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EXAMINER

SWENSON, BRIAN L

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/620,946	Applicant(s) CHEVALIER ET AL.	
	Examiner Brian Swenson	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/4/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no teaching found for what comprises, "machine fasteners" as claimed in claim 8.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 8 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear what "machine fasteners" comprise. The instant specification provides antecedent basis for, "fasteners, welding, or use of an adhesive or snap-fit" in paragraph 24 of page 6.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1, 3-7, 10 and claim 8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,193,829 issued to Holloway et al.

Holloway et al. teaches in Figures 1-6 and respective portions of the specification of a two-component (70,92) running board for a vehicle comprising: a unitary lower support structure (70), said structure attaching to a motor vehicle in a generally parallel orientation to said vehicle (Figure 1), positioned below the passenger doors of the vehicle (Figure 1); said structure having a plurality of integral walls (74,76), a plurality of crossing walls (78,80) positioned such as to provide rigidity to the structure; a step cover (92), said cover attaching to said supporting structure having a generally planar stepping surface on a top side thereof; wherein when said support structure is mounted to a vehicle and step cover is attached to said supporting structure forming the running board assembly, the running board assembly can support the weight of at least one vehicle passenger.

In regards to claim 3, Holloway et al. teach the lower support structure comprises at least one integral mounting means (see Figure 4), attaching said support structure to a vehicle (Figure 4), said mounting means supporting the weight of the running board assembly and at least one vehicle passenger.

In regards to claim 4, Holloway et al. teach the lower support structure comprises an integral means (86,90,88,94) of attaching said step cover Figure 6.

In regards to claim 5, Holloway et al. teach of the step cover is of a second moldable material (Col. 3, line 32), and is attached to the lower support structure by a fastening means (Figure 6).

In regards to claim 6, Holloway et al. teach step cover further comprises an anti-slip means on said stepping surface (rubber material, Col. 3, line 32; see also treads 102; Figure 6).

In regards to claim 7 and claim 8 as best understood, Holloway et al. teach wherein said fastening means comprises a set of locking tabs (94,96,98,100) integrated in said step cover, for being received in a complementary set of locking slots (84,86,88,90) in said lower support structure (Figure 6), that form a snap fit connection.

In regards to claim 10, Holloway et al. teach multiple-piece running board for a vehicle comprising: at least one lower support structure (70), said structure attaching to a motor vehicle in a generally parallel orientation to said vehicle (Figure 1), positioned below the passenger doors of the vehicle (Figure 1), said structure having a plurality of integral walls (74,76), a plurality of crossing walls (78,80), said lower support structure comprising an integral means of attaching a step cover (92), and further comprising an integral mounting means of attaching said support structure to the vehicle (Figure 4); at least one step cover (92), said cover attaching to said supporting structure having a generally planar stepping surface on a top side thereof (Figure 6), said step cover further comprises an anti-slip means (treads 102) on said stepping surface and an

integral means of securing said cover to said mounting structure (tabs 94-100 fit within slots 84-90); wherein when said support structure is mounted to a vehicle and step cover is attached to said supporting structure forming the running board assembly, the running board assembly is able to support the weight of at least one vehicle passenger.

4. Claim 1-6 and 9-10 and claim 8, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0006576 issued to Lanoue et al.

Lanoue et al. teach in Figures 1-12 and respective portions of the specification of a two-component (102,104) running board for a vehicle comprising: a unitary lower support structure (102), said structure attaching to a motor vehicle in a generally parallel orientation to said vehicle positioned below the passenger doors of the vehicle (not shown, a running board is inherently placed below the door to allow the ingress/egress of the passenger into and out of the vehicle), said structure having a plurality of integral walls, a plurality of crossing walls (see Figure 4 where a plurality of longitudinal and crossing walls are shown) positioned such as to provide rigidity to the structure; a step cover (104), said cover attaching to said supporting structure having a generally planar stepping surface on a top side thereof (Figure 4); wherein when said support structure is mounted to a vehicle and step cover is attached to said supporting structure forming the running board assembly, the running board assembly can support the weight of at least one vehicle passenger.

In regards to claim 2 Lanoue et al. teach the lower support structure is made of a first moldable material (see at least paragraph [0040]), and has a generally planar bottom surface (Figure 5).

In regards to claim 3, Lanoue et al. teach the lower support structure comprises at least one integral mounting means (attachment brackets in Figure 4), attaching said support structure to a vehicle, said mounting means supporting the weight of the running board assembly and at least one vehicle passenger.

In regards to claim 4, Lanoue et al. teach the lower support structure comprises an integral means (welding of element 106) of attaching said step cover.

In regards to claim 5 Lanoue et al. teach of the step cover is of a second moldable material (lines 1-5 of paragraph [0041], and is attached to the lower support structure by a fastening means (welded).

In regards to claim 6, Lanoue et al. teach step cover further comprises an anti-slip means on said stepping surface (anti-skid ribs are shown without a label in Figure 4, they are labeled as element 38 in Figure 1).

In regards to Claim 8 as best understood, Lanoue et al. teach of welding.

In regards to claim 9 Lanoue et al. teach wherein said fastening means comprises a weld, see step 50; Figure 12 and lines 1-5 of paragraph [0041] and paragraph's [0058] through [0067].

In regards to claim 10, Lanoue et al. teach multiple-piece running board for a vehicle comprising: at least one lower support structure (102), said structure attaching to a motor vehicle in a generally parallel orientation to said vehicle, positioned below the

passenger doors of the vehicle (not shown, a running board is inherently placed below the door to allow the ingress/egress of the passenger into and out of the vehicle), said structure having a plurality of integral walls, a plurality of crossing walls (see Figure 4 where a plurality of longitudinal and crossing walls are shown), said lower support structure comprising an integral means of attaching a step cover (104), and further comprising an integral mounting means of attaching said support structure to the vehicle (see attachment brackets shown in Figures 4 and 5); at least one step cover (104), said cover attaching to said supporting structure having a generally planar stepping surface on a top side thereof (see Figure 4), said step cover further comprises an anti-slip means (anti-skid ribs are shown without a label in Figure 4, they are labeled as element 38 in Figure 1) on said stepping surface and an integral means of securing said cover to said mounting structure (welded; see step 50; Figure 12 and lines 1-5 of paragraph [0041] and paragraph's [0058] through [0067]); wherein when said support structure is mounted to a vehicle and step cover is attached to said supporting structure forming the running board assembly, the running board assembly is able to support the weight of at least one vehicle passenger.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,412,799 issued to Schrempf teaches of a running board with a plurality of side and cross walls for support, see at least Figure 2.



U.S. Patent No. 6,588,782 issued to Coomber et al. teaches of a molded running board.

U.S. Patent No. 4,203,611 issued to Makela teaches of a running board.

U.S. Patent No. 6,581,946 issued to Lund et al. teach of a running board with a lower shroud (22) and an upper section (66).

U.S. Patent No. 6,688,621 issued to Benirschke teaches of a component running board.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (703) 305-8163. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Swenson

Application/Control Number: 10/620,946

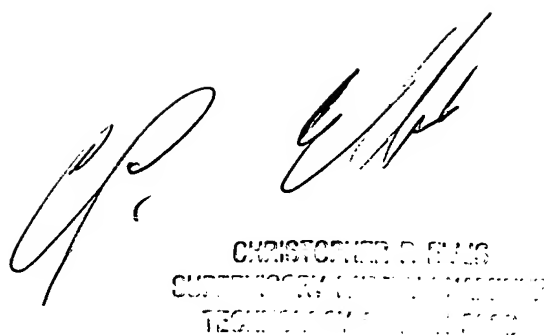
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SJS 7/11/05

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Examiner  
Art Unit 3618

  
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